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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BREON DANTE MIMS,

Defendant.

Case No. 2:23-cr-11-GMN-DJA

**Stipulation to Continue the Change of
Plea Hearing (First Request)**

It is hereby stipulated and agreed, by and between Jason M. Frierson, United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Katherine A. Tanaka, Assistant Federal Public Defender, counsel for defendant Breon Dante Mims, that the change of plea hearing in the above-captioned matter, previously scheduled for February 22, 2023, at 2:00 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 45 days from the current setting.

1. The parties submitted a signed plea agreement and Criminal Information to the Court on January 30, 2023, signifying that the parties have come to a negotiated resolution in *United States v. Mims*, Case No. 2:21-mj-333-BNW, wherein the defendant was initially charged by criminal complaint. The Court then scheduled a change of plea hearing for February 22, 2023, at 2:00 p.m.

1 2. However, defendant is currently in state custody in California facing sexual
2 assault charges. Given the importance of the state matter, the government has been
3 attempting to coordinate defendant's transfer of custody for the purposes of change of plea
4 and sentencing in the instant matter, but have not been successful in that attempt.

5 3. Again, given the importance of the state matter, the government wishes to
6 continue the coordination effort in lieu of a unilateral writ of habeas corpus ad
7 prosequendum, in order not to unduly interfere with the state prosecution.

8 4. If within three weeks of the filing of this stipulation such coordination effort
9 remains unsuccessful, the government will seek said writ with the Court regardless.

10 5. The additional time requested by the continuance is in anticipation of the
11 time needed to transfer custody.

12 6. Defendant is in state custody and agrees to the continuance.

13 DATED this 21st day of February, 2023.

14 JASON M. FRIERSON
15 United States Attorney

16 s/ Jim W. Fang
JIM W. FANG
17 Assistant United States Attorney
Counsel for the United States

16 s/ Katherine A. Tanaka
Katherine A. Tanaka
Assistant Federal Public Defender
17 Counsel for Defendant

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 BREON DANTE MIMS,

7 Defendant.

Case No. 2:23-cr-11-GMN-DJA

ORDER

8 Based on the pending Stipulation between the defense and the government, and good
9 cause appearing therefore,

10 IT IS HEREBY ORDERED that the change of plea hearing in the above-captioned
11 matter currently scheduled for February 22, 2023, at 2:00 p.m. be vacated and continued to
12 April 21, 2023, at 10:00 AM

13 DATED this 21 day of February, 2023.

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16 HONORABLE GLORIA M. NAVARRO
17 UNITED STATES DISTRICT JUDGE
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